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By: **Delegates Edwards, Kelly, and Myers**  
Introduced and read first time: January 22, 2003  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 11, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Allegany and**  
3 **Garrett Counties - Natural Gas Rights**

4 FOR the purpose of prohibiting regulations and procedures adopted by the Maryland  
5 Agricultural Land Preservation Foundation for the establishment and  
6 monitoring of agricultural districts from requiring, in Allegany and Garrett  
7 counties, a natural gas rights owner or lessee to subordinate its interest to the  
8 Foundation's interest under certain circumstances; requiring that a certain  
9 report be submitted by a certain date; and generally relating to the Maryland  
10 Agricultural Land Preservation Foundation.

11 BY adding to  
12 Article - Agriculture  
13 Section 2-509(c)  
14 Annotated Code of Maryland  
15 (1999 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Agriculture  
18 Section 2-509(c) and (d)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Agriculture**

2 2-509.

3 (C) REGULATIONS AND PROCEDURES ADOPTED BY THE FOUNDATION FOR  
4 THE ESTABLISHMENT AND MONITORING OF AGRICULTURAL DISTRICTS MAY NOT  
5 REQUIRE, IN GARRETT COUNTY OR ALLEGANY COUNTY, A NATURAL GAS RIGHTS  
6 OWNER OR LESSEE TO SUBORDINATE ITS INTEREST TO THE FOUNDATION'S  
7 INTEREST IF THE FOUNDATION DETERMINES THAT EXERCISE OF THE NATURAL GAS  
8 RIGHTS WILL NOT INTERFERE WITH AN AGRICULTURAL OPERATION CONDUCTED ON  
9 LAND IN THE AGRICULTURAL DISTRICT.

10 [(c)] (D) Regulations and criteria developed by the Foundation relating to  
11 land which may be included in an agricultural district shall provide that:

12 (1) Subject to item (2) of this subsection, land shall meet productivity,  
13 acreage, and locational criteria determined by the Foundation to be necessary for the  
14 continuation of farming;

15 (2) As long as all other criteria are met, land that is at least 50 acres in  
16 size shall qualify for inclusion in an agricultural district;

17 (3) The Foundation shall attempt to preserve the minimum number of  
18 acres in a given district which may reasonably be expected to promote the continued  
19 availability of agricultural suppliers and markets for agricultural goods;

20 (4) Land within the boundaries of a 10-year water and sewer service  
21 district may be included in an agricultural district only if that land is outstanding in  
22 productivity and is of significant size; and

23 (5) Land may be included in an agricultural district only if the county  
24 regulations governing the land permit the activities listed under § 2-513(a) of this  
25 subtitle.

26 [(d)] (E) The Foundation may not purchase an easement on land which is  
27 located outside an agricultural district established under this subtitle.

28 SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1,  
29 2006, the Agricultural Land Preservation Foundation shall submit a report to the  
30 Governor and, subject to § 2-1246 of the State Government Article, to the General  
31 Assembly that evaluates the impact of this Act on the quality of agricultural land  
32 preserved and the Foundation's agricultural land preservation activities under the  
33 Maryland Agricultural Land Preservation Foundation.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2003.

